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TIMOTHY W. FITZGERALD  
SPOKANE COUNTY CLERK

SUPERIOR COURT OF WASHINGTON  
FOR SPOKANE COUNTY

**SECOND AMENDED EMERGENCY STANDING ORDER**

**Eviction Resolution Program (ERP)**

This standing order shall be deemed part of the most recent version of Emergency Order #9 of Spokane County Superior Court. The specific findings made in that order are made part of this order and are adopted herein by reference. This order shall remain in effect unless modified by further court order.

1. **Findings. It is recognized that:**

- A. As a consequence of the COVID-19 emergency, Washington State has experienced unprecedented and evolving economic difficulties. The resulting loss of income has made it impossible for many families and individuals (tenants) to keep current in rental payments;
- B. Various federal, state, and local orders have prohibited most evictions during the COVID-19 emergency, but such orders will be lifted at some point;
- C. Many landlords also face hardship and loss of income due to the combined inability of tenants to keep current in their rent and the prohibition on evictions established by federal, state, and local authorities, as applicable;
- D. Many tenants currently face substantial arrearages and threat of immediate eviction upon termination of state and local eviction limitations;
- E. Court operations have been impacted since March 2020 due to COVID-19 and this Court continues to face an increased hearing backlog related to hearings and trials for civil, criminal, juvenile, and child welfare matters that had to be postponed for public health safety reasons;

- 1 F. Given the backlog this Court is facing of nearly all hearing types across Superior  
2 Court, the anticipated renewal of unlawful detainer filings once the eviction  
3 limitations are lifted presents an obstacle to the ability of this Court to timely hear  
4 and fairly decide cases consistent with statutory deadlines, due process and  
5 mandated procedures;
- 6 G. State and local rent-assistance programs offer available funding for immediate  
7 assistance in addressing rent arrearages (or portions thereof);
- 8 H. Local Dispute Resolution Centers (DRC) and local housing justice project (HJP)  
9 are prepared to assist tenants facing the threat of eviction and help tenants resolve  
10 that threat through non-judicial processes including a newly created Eviction  
11 Resolution Program (ERP);
- 12 I. This Court is one of six (6) counties that has agreed to participate in a pilot ERP;
- 13 J. The court designates Judge Tony Hazel to serve as the procedural point person to  
14 work with relevant stakeholders on the implementation and ongoing  
15 administration of the ERP and certifies such designation has been provided to  
16 AOC;
- 17 K. Any questions or concerns regarding this program should be communicated via e-  
18 mail to Dept6@spokanecounty.org;
- 19 L. The goal of the ERP is to divert residential unlawful detainer cases based on  
20 nonpayment of rent through effective and fair conflict resolution and alternative  
21 dispute resolution processes with the assistance of an impartial Eviction  
22 Resolution Specialist (ERS) trained and provided by a local DRC while ensuring  
23 tenants have access to community resources, including attorney representation  
24 through the local Housing Justice Project (HJP), to reach a solution that preserves  
25 the landlord and tenant relationship;
- M. ERP during the moratoria - Generally: That *prior to* the expiration of any state  
and/or local eviction moratoria, the landlords and tenants will be encouraged to  
voluntarily participate in a structured resolution process that offers a real prospect  
of resolving cases before they are filed in court with such resolution to include:  
connecting tenants with rent assistance resources, providing counsel for tenants

1 through the local HJP and providing conciliation services with a DRC Early  
2 Resolution Specialist (ERS) trained to facilitate resolution of these cases;

3 N. ERP during the moratoria - Specifically: this Standing Order is issued, in part, to  
4 mandate compliance by the landlord with specific ERP protocols once the  
5 landlord prepares and serves the tenant, the local DRC and the local HJP with the  
6 voluntary Notice.

7 O. ERP after the moratoria – Specifically: This Standing Order is issued, in part, to  
8 specifically mandate use of the ERP after expiration of any state and/or local  
9 eviction moratorium;

10 P. The court recognizes that substantial questions of fact and law may be present in  
11 unlawful detainer actions *filed during* the eviction moratoria (including, but not  
12 limited to, whether the grounds alleged are allowable bases for eviction while the  
13 moratoria are in place); and that chances for effective resolution of these cases are  
14 enhanced by early notification to and involvement of Eviction Resolution  
15 Specialists and attorneys for tenants;

16 Q. The successfulness of the ERP depends on mandating its use in order to divert  
17 unlawful detainer cases from this court thereby ensuring all court dockets are  
18 managed effectively;

19 R. Local DRCs have been contractually engaged by the Administrative Office of the  
20 Courts (AOC) on behalf of the Superior Court and are an integral component of  
21 the pilot ERP.

22 S. Attached as *Exhibit A* is the contact information for the local DRC and local HJP;

23 *NOW, THEREFORE,*

24 IT IS ORDERED THAT:

25 **1. Order – ERP voluntarily initiated during the moratoria by the Landlord or**  
**Landlord’s counsel.** Prior to serving and/or filing a summons and complaint for  
nonpayment of rent *post-moratoria*, the landlord or landlord’s counsel who, *during the*  
*moratoria*, **voluntarily prepares and sends out the Voluntary Notice: Rent Dispute**

1 Resolution Opportunity Through the Superior Court Eviction Resolution Program (ERP),  
2 for purposes of undertaking the ERP is:

- 3 A. **Mandated to (i)** not modify the *Voluntary Notice: Rent Dispute Resolution*  
4 *Opportunity Through the Superior Court Eviction Resolution Program (ERP)* form  
5 except to add the date, the tenant's information and the landlord's information; **(ii)**  
6 shall fully and accurately complete the *Voluntary Notice: Rent Dispute Resolution*  
7 *Opportunity Through the Superior Court Eviction Resolution Program (ERP)*; **(iii)**  
8 shall, *no less than 14 days prior to filing an unlawful detainer summons and/or*  
9 *complaint with the court*, notify the tenant, the local DRC and the local HJP by  
10 sending the *Voluntary Notice: Rent Dispute Resolution Opportunity Through the*  
11 *Superior Court Eviction Resolution Program (ERP)* by e-mail, first class mail –  
12 postage prepaid, or personal service, and prepare a certification of notification (under  
13 penalty of perjury) related thereto (for filing with the summons and complaint if and  
14 as needed); and **(iv)** make good faith efforts to engage in the ERP Tier One Process if  
15 the tenant timely responds to the notice whether that response is received from the  
16 tenant directly or via the local DRC or local HJP acting on behalf of the tenant;
- 17 B. Any unlawful detainer summons and/or complaint filed with the court during *the*  
18 *Governor's Eviction Moratorium* **shall be** accompanied by the landlord/plaintiff's  
19 *Certificate of Notification as follows:*
- 20 i. If the Voluntary Notice was sent by e-mail: *"I certify and declare under penalty*  
21 *of perjury under the laws of the state of Washington that on*  
22 \_\_\_\_\_ *(i.e. the date) I provided the Voluntary Notice with the*  
23 *Tenant's complete and accurate last known contact information (i.e. address(es),*  
24 *telephone number(s) and e-mail(s)) to the tenant and the local HJP and local*  
25 *DRC for this county by e-mail and a true and correct copy of the e-mail(s) are*  
*attached hereto."*
- ii. If the Voluntary Notice was sent by mail: use the *Return of Service* attached as  
Exhibit B;
- iii. If the Voluntary Notice was sent by personal service: use the *Return of Service*  
attached as Exhibit B;

1 C. *Mandated to file* the ERP DRC Certification Form (attached hereto as *Exhibit C*) at  
2 the time of filing a summons and complaint with the court if the case is not resolved  
3 through the ERP.

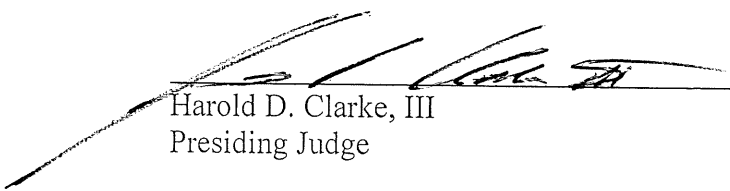
4 **2. Order – ERP voluntarily initiated during the moratoria by the Tenant or Tenant’s**  
5 **counsel.** A tenant who owes rent may request ERP with their landlord. The tenant is  
6 strongly encouraged to make the request for ERP in writing. Alternatively, a tenant who  
7 owes rent, may use a local DRC or a local HJP to request ERP with his/her landlord. It is  
8 recommended that the DRC utilize the Tier One process for ERP voluntarily initiated by  
9 the tenant. A DRC Certification form may issue to the landlord for use at the time at the  
10 time of filing a summons and complaint with the court *post moratoria* if the case is not  
11 resolved provided the landlord has engaged in good faith with the ERP Tier One process.

12 **3. Order – ERP post moratoria.** Prior to serving and/or filing a summons and complaint  
13 for nonpayment of rent *post-moratoria*, the landlord or landlord’s counsel, is:

14 **A. *Mandated to strictly comply with*** the ERP including Tier One and Tier Two  
15 processes; and

16 **B. *Mandated to file*** the ERP DRC Certification Form attached hereto as *Exhibit C* at the  
17 time of filing a summons and complaint with the court.

18 DATED this 16<sup>th</sup> day of February, 2021.

19   
20 Harold D. Clarke, III  
21 Presiding Judge  
22  
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